

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

THE LARYNGEAL MASK COMPANY, LTD.  
and LMA NORTH AMERICA, INC.,

Case No. 3:07-cv-01988 DMS (NLS)  
Jury Trial Demanded

**Plaintiffs,**

**JUDGMENT OF INVALIDITY AND  
NON-INFRINGEMENT OF U.S. PATENT  
NO. 7,156,100 PURSUANT TO FED. R.  
CIV. P. 54(B)**

v.  
AMBUL A/S, AMBU INC., and AMBU LTD.

### Defendants.

## AND RELATED COUNTERCLAIMS.

Based on the Order Construing Patent Claims (Dkt. #171), the Order Granting Defendants' Motion for Partial Summary Judgment of Non-Infringement (Dkt. #224), the Order Granting Defendants' Motion for Summary Judgment of Patent Invalidity for Lack of Written Description (Dkt. #476), and on the express determination that pursuant to Federal Rule of Civil Procedure 54(b), there is no just reason for delay, it is hereby **ORDERED AND ADJUDGED** that:

1. The AuraOnce™, Aura40™, and AuraStraight™ products made, used, distributed, offered for sale and sold by Defendants and Counterclaimants Ambu A/S, Ambu Inc., and Ambu Ltd. (collectively, “Ambu”) do not infringe, directly or indirectly, either literally or under the doctrine of equivalents, Claims 1 through 6 of United States Patent No. 7,156,100 (the “100 Patent”) asserted by Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and LMA North America, Inc. (collectively, “LMA”);

2. All claims of the ‘100 Patent are invalid for lack of written description under 35 U.S.C. § 112;

3. As set forth in the Court’s Order Granting Defendants’ Motion for Summary Judgment of Patent Invalidity for Lack of Written Description (Dkt. #476), no just reason exists to delay the entry of final judgment on LMA’s claim against Ambu for infringement of the ‘100 Patent; and

4. This final judgment is without prejudice to Defendants' counterclaims three through seven.

Dated: October 6, 2009

  
Hon. Dana M. Sabraw  
United States District Judge